

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RICKY NOLAN,

Plaintiff,

v.

CADE HERRINS, et al.,

Defendants.

Case No. 3:14-cv-00445-MMD-VPC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke's ("R&R") (dkt. no. 44), recommending denial of Plaintiff's motion for a preliminary injunction (dkt. no. 27). Plaintiff was given until August 7, 2015 to object. To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at  
6 1226 (accepting, without review, a magistrate judge's recommendation to which no  
7 objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R  
10 and records in this case, this Court finds good cause to adopt the Magistrate Judge's  
11 R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and  
13 Recommendation of Magistrate Judge Valerie P. Cooke (dkt. no. 44) is accepted and  
14 adopted in its entirety.

15 It is further ordered that Plaintiff's motion for a preliminary injunction (dkt. no. 27)  
16 is denied.

17 DATED THIS 20<sup>th</sup> day of August 2015.

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20 MIRANDA M. DU  
21 UNITED STATES DISTRICT JUDGE  
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